

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
Wednesday, April 11, 2018

**Members Present:** Richard McLeod, Chairman  
Kemal Denizkurt  
Ed Foley  
Brandon Diem

**Not Present:** Jonathan Moriarty

**Also Present:** Eric Schneider, Principal Planner  
Janet Murray, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

For a case to be approved, the applicant needs at least four out of five votes. Mr. McLeod informed those present that there were only four (4) members present this evening. He added that if an applicant would prefer, the case may be continued.

**New Business:**

1. Case #3351 - The petitioner, Harold Brothers, for property located at 44 Woodrock Road, also shown on the Weymouth Town Atlas sheet 35, block 446, lot 9, located in the I-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

|           |         |                                                           |
|-----------|---------|-----------------------------------------------------------|
| Variance: | 120     | Article XVII Off Street Parking                           |
|           | 120-74  | Minimum Required Spaces                                   |
|           | Table 1 | Minimum Side Yard Depth (25 feet required, 21.4 proposed) |

Presently located on the property is a ~20,088 SF single-story building currently occupied by a mechanical contractor. The petitioner seeks relief to construct a ~4,500 SF addition to be used as a pre-fabrication shop, warehouse, and additional classroom space.

Mr. Foley made a motion to open the public hearing on Case #3351 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Andrea McCarthy, who works for the applicant's contractor, appeared before the board on behalf of Harold Brothers.

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**

Wednesday, April 11, 2018

When asked about the parking variance, Ms. McCarthy stated that most of the people who work for Harold Brothers are on the road during the day. Therefore, additional parking is not needed.

Ms. McCarthy stated that the addition is pre-fab.

Mr. Foley asked if there was anywhere else on the site that the pre-fab could be placed. Ms. McCarthy stated that there was not.

Mr. Schneider stated that the requested placement is preferred by the town.

Mr. Denizkurt stated that the existence of a drainage easement creates the hardship of locating the building.

Mr. Diem asked what the pre-fab is made of. Ms. McCarthy did not know.

Mr. Schneider stated that DPW submitted a memo dated 3/8/18 noted that there should not be excavation in the 15' drainage easement. He added that the memo noted a discrepancy in its location. This will need to be clarified.

Mr. Schneider stated that the Conservation Administrator has requested that the applicant look at infiltrating roof runoff from addition.

A memo from the Traffic Department stated that with the warehouse addition, the parking is adequate.

The construction will be done during working hours.

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and as seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Foley made a motion to **APPROVE** the request for a **VARIANCE** for Case #3351.

**VARIANCE**

Mr. Foley made a motion to approve this application for a variance because the applicant has shown a hardship in the placement of the pre-fab due to the 15' wide drainage easement. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance.

The following conditions will apply:

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**

Wednesday, April 11, 2018

- Adherence to the 3/8/18 DPW memo - no construction in the 15' wide drainage easement and the Conservation concern about runoff and work with staff regarding infiltration.
- Materials and elevation will be provided prior to construction

The motion was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

2. Case #3352 - The petitioner, Mary Christofi-Peer, for property located at 127 Birchbrow Avenue, also shown on the Weymouth Town Atlas sheet 4, block 54, lot 22, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance:                120-52   Lot less than 5,000 square feet

Presently located on the ~4050 SF lot is an existing single-family dwelling and detached garage. The petitioner seeks relief to demolish an existing ~7'x16' single-story addition at the rear of the dwelling and rebuild a two-story addition on the same footprint.

Mr. Foley made a motion to open the public hearing on Case #3352 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

The applicant appeared before the Board. She noted that they will not exceed the existing foot print as they are going straight up

The applicant has submitted drawings, a list of materials, and a certified plot plan. They will not encroach on the existing non-conforming

Mr. McLeod asked if there was anyone present who would like to speak. There was no response.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Foley made a motion to **APPROVE** the request for a **VARIANCE** for Case #3352.

**VARIANCE**

Mr. Foley made a motion to approve this application for a variance because the applicant is going straight up and not encroaching on the existing non-conforming. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
Wednesday, April 11, 2018

3. Case #3353 - The petitioner, William Stanton, for property located at 12 Wessagussett Road, also shown on the Weymouth Town Atlas sheet 7, block 42, lot 2, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: 120-52 Lot less than 5,000 square feet  
Special Permit: 120-40 Extension of non-conformity

Presently located on the ~4779 SF lot is an existing ~24'x 36' one-story, single family dwelling. The petitioner seeks relief to construct a second story addition on the same footprint.

Mr. Foley made a motion to open the public hearing on Case #3353 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Stanton appeared before the board.

Mr. Schneider stated cantilevered deck is encroaching beyond the existing footprint which requires a special permit. Otherwise the addition is within the existing footprint.

Mr. Stanton agreed to submit a materials list.

Mr. McLeod noted that there was no one present for public comment.

Mr. Foley made a motion to close the public hearing and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Mr. Foley made a motion to APPROVE the request for a SPECIAL PERMIT and a VARIANCE for Case #3353.

**SPECIAL PERMIT**

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**

Wednesday, April 11, 2018

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

**VARIANCE**

Mr. Foley made a motion to approve this application for a variance because the applicant has no other location to place the addition. The Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

4. Case #3181 - Request for Minor Modification - The petitioner, John Deady, for property located at 203 Middle Street requests a minor modification to the conditions originally set forth in his Special Permit Decision. The petitioner has met all responsibilities for the establishment of a Property Improvement Fund and would like to increase the maximum amount allocated to one recipient as to contribute funds needed to perform exterior improvements to the South Shore Stars day care located in the Central Square Historic District.

Mr. Schneider stated that when the applicant, John Deady, received approval for case #3181, he agreed to set aside \$5,000 per unit as they were sold. This fund would be used to beautify the Central Square district.

Mr. Deady has put forth a good faith effort to find projects and has completed several of them but has been no further interest. He is looking to give the remaining \$28,000 to South Shore Day Care for their restoration project.

In the original agreement, there was a stipulation that limited any one recipient to \$4,000.

Mr. Foley made a motion to allow the minor modification to Case #3181 and was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

**Other Business:**

**1. Minutes: 3/7/2018**

Mr. Foley made a motion to APPROVE the minutes of the 3/7/2018 meeting and was seconded by Mr. Denizkurt and was UNANIMOUSLY VOTED.

**2. Upcoming Meetings**

May 9, 2018, June 6, 2018, June 27, 2018

**3. ADJOURNMENT**

Mr. Foley made a motion to adjourn at 7:30 and was seconded by Denizkurt. VOTED UNANIMOUSLY.

Approved by:

Mr. Denizkurt, Clerk



DATE

5/9/18